



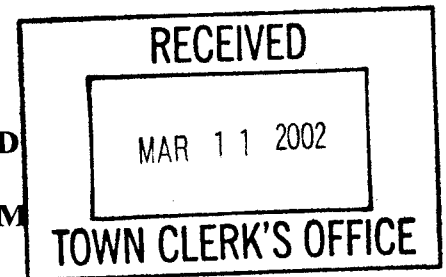
# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

WEDNESDAY - MARCH 13, 2002 - 7:30 PM

### TENTATIVE AGENDA



#### CALL TO ORDER ROLL CALL

#### ANNUAL MOBILE HOME PARK REVIEW:

- a. Windmere Estates Mobile Home Park (formerly Mt. Airy Mobile Home Park)  
Mt. Airy Road (Johnson)

#### PUBLIC HEARING:

1. HIGHVIEW ESTATES SUBDIVISION (01-64) TOLEMAN ROAD (YANOSH)  
Proposed six lot residential subdivision.

#### REGULAR ITEMS:

2. WASHINGTONVILLE SOCCER CLUB SITE PLAN AMENDMENT (02-02) SHAW  
ROAD (LANC)
3. BLOOMING GROVE EQUIPMENT SITE PLAN (01-61) OAKWOOD TERRACE  
(COPPOLA) Proposed office building.
4. ADC WINDSOR, INC. SUBDIVISION (01-45) KINGS ROAD (SHAW)  
Proposed 49 lot residential subdivision.

#### CORRESPONDENCE

5. RPA ASSOCIATES, LLC SUBDIVISION (01-17) REQUEST FOR REAPPROVAL OF SUBDIVISION
6. RPA ASSOCIATES, LLC SITE PLAN (99-18) REQUEST FOR REAPPROVAL OF SITE PLAN

#### ADJOURNMENT

(NEXT MEETING -MARCH 27, 2002)

March 13, 2002

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 13, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
RON LANDER  
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: JERRY ARGENIO

REGULAR MEETING

MR. PETRO: I'd like to call to order the March 13, 2002 planning board meeting. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited)

ANNUAL MOBILE HOME PARK REVIEW:

WINDMERE ESTATES MOBILE HOME PARK

Mr. Dick Johnson appeared before the board for this proposal.

MR. PETRO: Mike, your department been to the site and done the inspection?

MR. BABCOCK: Yes, we have, Mr. Chairman, and there's no problems there.

MR. PETRO: Do you have a check for \$455.00 made out to the Town of New Windsor?

MR. JOHNSON: I will in a minute.

MR. PETRO: Motion for one year approval.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year approval to the Windmere Estates mobile home park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

PUBLIC HEARING

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: The application proposes subdivision of the 21.2 acre parcel into 6 single family residential lots. This plan was previously reviewed at 12 December, 2001 and 23 January, 2002 planning board meetings. The application is before the board for a public hearing at this meeting. I assume there's some people here for this. Our procedure is that we review it first and during the review we'll open it up to the public for their comment. Dan, why don't you just bring us up to date?

MR. YANOSH: Again, 6 lot subdivision, this was previously lot number 5 of the subdivision approved in '95 by this board. At the last meeting, I showed revised contours existing ones for the lots across the front from the existing topo from the original subdivision. Sheet number 2, this is an enlargement of 50 scale, road goes up, showing the proposed grading, proposed town road two on one slope on the grading for going up the hill. The client has elected to put curbs in so there will be no need for a waiver from the Town Board for swales or whatever so we're going to put some curbs in to help that situation out. I moved the driveway for lot number 4 closer to the driveway for lot number 3 as requested by the highway superintendent and I think I took the, I have taken care of everything Mark had requested.

MR. PETRO: Highway is still under review and the fire has been approved but we need a name for the proposed street.

MR. YANOSH: Okay.

MR. PETRO: Needs to be put on the plan. Note number one from Mark that the table is acceptable, the bulk table, you have to change the 43,560 to 80,000 feet.

MR. EDSALL: That one, Mr. Chairman, to correct my comments, they did get that one done.

MR. PETRO: Okay. Topo on the higher lots, is that going to meet the grading for the driveway?

MR. YANOSH: These, yeah, on sheet number 4, I added the profiles for all the driveways.

MR. PETRO: Is it all ten percent?

MR. YANOSH: Yes.

MR. PETRO: How do you create the driveways as they connect into the cul-de-sac, do you have a negative slope?

MR. YANOSH: Minus 2 percent coming off the road going through and then up to 10 percent maximum. I do show proposed contours on lot number 4 which would be the steepest one with the most cut in it.

MR. PETRO: All right, I don't see any sidewalks, going to go for a waiver?

MR. YANOSH: I think we'll go for a waiver from the Town Board on that.

MR. PETRO: Let's look at that. Why do we have to get a waiver because it's in a rural area? Why are you trying to get a waiver from the--

MR. YANOSH: It doesn't go anywhere, there's nothing on Toleman, it goes down to nothing. We have a long road that's 1, 2, 3, you know, 350 feet to really nowhere before it gets to any lots and we, it's a dead-end cul-de-sac, there will be no traffic going through there, so we feel there's no need for sidewalks, there's nothing in the area that has sidewalks to begin with.

MR. PETRO: Kind of talked me into that, I guess. All right, let's open it up to the public. At this time, this is a public hearing, what I will do is open it up to the public, if you'd like to speak for or against

this application, be recognized by the Chair, come forward, state your name and address. On February 26, 2002, 17 addressed envelopes containing the attached notice of public hearing were mailed out. Would anyone like to speak?

MS. IRIZARRY: Annette Irizarry, I-R-I-Z-A-R-R-Y, 237 Toleman Road, Washingtonville.

MR. PETRO: We're having a sign-in sheet, eliminates guessing people's names.

MS. IRIZARRY: First of all. I was wondering if I can have a moment to view this map because this map was not made available to us?

MR. PETRO: Actually, you're time is up, ma'am.

MS. IRIZARRY: Well then I'm going to need another day to come back then, please.

MR. PETRO: She just informed me that it was on file, in other words, you didn't see it on the board, it wasn't posted on the board, you just ask for it, but if you want to come up and look at it, come on up and look at it.

MS. MASON: Who did you ask?

MS. IRIZARRY: Whatever, the building the office to the left all the way down the hall when you come into the main entrance.

MS. MASON: You're supposed to ask the planning board.

(Discussion was held off the record)

MR. PETRO: You ready to go with your questions?

MS. IRIZARRY: Well, I have a few statements, I think the board is well aware of my contentions and the contentions of the community regarding the drainage in the neighborhood. While the well supply, water supply,

both of those two issues are paramount to us, as you're aware, we have a subdivision that's built without curtain drains currently to the septic systems, we have wetlands behind our property, even with a 40 percent drought that we're going through at this point, the land behind our property remains moist. I see that he has made some sort of accommodation to go around the small patch of wetlands, but I don't think that is sufficient. We have issues regarding debris, there's constant, with the homes that he built across on the, is that the west side now? I've had to become very good friends with Mr. Coleman (sic.) of the Highway Department and Mr. Roberts, the fire inspector's department, to have Mr. Biagini remove those items from there. I'm talking from November prior to Thanksgiving until after the new year, it took me calling every week to speak to these gentlemen to have him remove his debris. Once he removed the debris, he hired a dump truck, apparently, the dump truck backed up into my driveway and damaged my driveway, that's neither here nor there, but this is the type of work that's being done by this gentleman. I'd like to bring to your attention, unfortunately, Mr. Biagini does not have a good reputation in this neighborhood and I do have several articles regarding his problem that he had in Montgomery with debris. I have complained many a time regarding debris that's under my back deck that I have not removed that I have not touched because I'd like somebody to come out and see it. So there's no cause for any suspicion of tampering. There are planks of roof tiles, there's wood blocks, there are siding pieces all under the back of my home, my small back deck. When he had someone come to make a pathway so he could have the proper surveyor come out and view the land, the gentleman who performing the work daily left debris, bottles, cans, oil cans, gasoline cans, I was the one who had to go out there and clean it up, not them, there's still the ton of debris there, wood debris, tree trunks, all that stuff is an eyesore to me personally.

MR. PETRO: Would that be cleaned up as he builds on the lots?

MS. IRIZARRY: I can tell you that there's other

building being done on Toleman that does not involve the Biagini family, there's three lots that are being built closer to the end by the junction of 207. All I know is that when the lot's cleaned, the lot's cleaned out, I don't see tree trunks or anything of that nature on those lots, those lots are pristine, they're clean, they have debris there for a period of time while I guess trucks are bringing the things in and doing construction. Other than that, it's clean, you can take a ride and see, it's much cleaner than what they have in our neighborhood and there's no houses being built yet. We have other issues regarding traffic on Toleman Road, wildlife on Toleman Road, traffic is a big issue, we have people constantly speeding up and down Toleman. I own two Rottweilers, we have two show dogs, part of the daily regimen is to take a walk on Toleman Road. That ended, we can't even trust a walk on the road.

MR. PETRO: You have to stay with planning board issues. The traffic is not a planning board issue. As far as the speeding on the road and the kind of thing--

MS. IRIZARRY: I think traffic should be an issue of the planning board because you're going to allow 6 more homes.

MR. PETRO: That's the way it is in the Town, this meets the zoning, the lots belong there, they pay taxes on the lots.

MS. IRIZARRY: Do you have a duty to inform whoever it may be in this community, in this government, to alert them to the fact that we have these problems that we're having problems with traffic and schooling in these things. I know they are not under the planning board, but I think they should be considered by the planning board most definitely.

MR. LANDER: Traffic is considered by the planning board only as far as not the amount of traffic so much you're talking about speeding, this is an ongoing thing in every township but--

MR. PETRO: Sight distance we'll look at.



MR. LANDER: Six houses means 12 cars or more, we're very aware of that. The point I'm trying to get at there's congestion everywhere.

MS. IRIZARRY: I understand that.

MR. LANDER: They must have speed limit signs on your road, I assume.

MS. IRIZARRY: Nobody abides by them.

MR. PETRO: Drainage, that's legitimate, so that we can look at, we can look at the swales.

MS. IRIZARRY: We have no curtain drain. Due to that, we have surface water, we have a puddle that comes up in our front yard no matter what type of drought, no matter what, I have a puddle of surface water, whether that comes from my septic--

MR. PETRO: Show me where you live.

MS. IRIZARRY: I'm at this location, we're right there.

MR. LANDER: Aren't you in litigation?

MS. IRIZARRY: No, I'm not in litigation with Mr. Biagini, I've never met Mr. Biagini, I've never done any business. I'm a second homeowner. The man, the prior owners that we bought from are in litigation because he was supposed to put in the curtain drains and something else and he never did it.

MR. PETRO: Where is the water coming from, across the street?

MS. IRIZARRY: No, the water's coming from behind us, we're on a hill, we can look straight down the hill and the property draining towards the front and our table, our septic system is in the front. We were supposed to have, if you look at lot C on our original survey there was supposed to be a curtain drain to the right of the septic area, that's not there, where you have the septic area located, probably right at the end line

there was when we moved in, there were a lot of trees, stumps, actually, and in between all those stumps there was water buildup, we removed the stumps thinking it would help, we still have a puddle of water, surface water that comes up and it also goes tends to go to the far corner to the left of our property.

MR. PETRO: Let me hold you up. Bob, why weren't the drains built?

MR. BOB BIAGINI: I'll work on that.

MR. PETRO: What are you going to do about it?

MR. YANOSH: Again, when we did the subdivision across the street, the people were here and I gave them my card and I says if you have a problem, give me a call, I'll put you in contact with Mr. Biagini, nobody came to see me, okay, I can't say yes or no whether curtains drains are, this as far as I know they were built before.

MR. PETRO: I'll rephrase the question. What's being done for the next 6 lots to keep the water from coming down on the existing lots?

MR. YANOSH: Well, sheet number 2 shows the road itself is lower than there lots, if you go by there now, there's a huge cut that goes in there because we did have a building permit for our lot right now to start building the road, everything is lower in this middle section here, okay, anything that comes down on this side here is going to come into our drainage that we have proposed for the new road and go right down across Toleman and into the stream across the street, everything will drain into that.

MR. PETRO: I agree with you, that looks good. How about behind the lot?

MR. YANOSH: Again, there is a hill right up here behind their lot, the lot line between the existing lots here and lot number one, there's a crest and it drops off behind here, so any drainage from these lots here will go back between lots one and two and not come

down to here, she's getting stuff probably from the top of the hill right here coming down behind her house. I don't know, I'm not a builder, I'm not an excavator, whether more curtain or footing drains would help the situation, I have no idea.

MR. PETRO: Okay, that's not the end of it.

MS. IRIZARRY: I just wanted to make a comment about the water is draining into that. Is that the DEC wetland that that waste water is draining into?

MR. YANOSH: Yes.

MS. IRIZARRY: That's permissible for water to drain into?

MR. PETRO: It's runoff, I don't think it's waste water.

MS. IRIZARRY: The way the systems are built there, it's waste water.

MR. PETRO: Septic is working properly.

MS. IRIZARRY: It wasn't previously. All the distribution boxes were cracked, the tank was cracked, previous homeowner had to replace all the distribution boxes and have the tank repaired.

MR. PETRO: So you were getting raw sewage.

MS. IRIZARRY: I have a puddle of raw, I have a puddle of surface water that smells like sewage.

MR. LANDER: Where is that coming from, from your septic field?

MS. IRIZARRY: From my leach fields, apparently.

MR. PETRO: What do you know about that, anything?

MR. YANOSH: All that I know is that the, they were installed according to code. Again, what happened after previous people moved into the system, I have no

idea, I have no control over that. I think Mark can back me up, I think a septic designed and installation is good for a certain number of years and after that, you know, it's up to the homeowner to correct.

MS. IRIZARRY: It's two years and when Mr. Biagini was notified, they were well within a two year period.

MR. PETRO: Should last more than two years, that's ridiculous. What do you have to say, Mark, anything?

MR. EDSALL: I can't comment on the existing residences cause I didn't witness the installation and I don't know what's happened with it, as Dan doesn't know, but as far as protecting her property from storm water, there are some options with curtain drains, we've got a brand new drainage system proposed in the town road and if the board decides to re-wire some intercepting drains, we can do that upgrade of her house and redirect it to the town system.

MR. PETRO: So let's do that.

MR. EDSALL: There's some options.

MR. PETRO: Do you understand?

MS. IRIZARRY: I understand.

MR. PETRO: Get together with Mark, design some drainage behind those houses and direct it into the new drainage system in the road, that will eliminate the water coming from the hill to your house. As far as the septic system, I would suggest you call the DEC and they'll get some action for you.

MR. EDSALL: Well, I think the point may be if her system is being overwhelmed by runoff or ground water, if we relieve the runoff, it may give some relief to the sanitary system. I don't know if I would turn yourself in for a violation so quickly.

MS. IRIZARRY: I have done that and I have called the Department of Health and unfortunately, I have gotten no help because I'm accountable.

MR. PETRO: I would wait, see what happens after the new curtain drains are in and the drainage system's actually being used, it may actually go away, it may, I don't know.

MS. IRIZARRY: Well water?

MR. PETRO: Don't want to talk about them, not interested. I feel sorry about it, but my thing with wells is you have a building lot, the person who made the building lot has the building lot, has every right to the aquifers, wherever they are as you did when they built your house. The water's in the ground, it's a building lot and that's it, whether that's fair or not, I can't say, I have no idea.

MS. IRIZARRY: I'm speaking of the houses being built.

MR. PETRO: I understand but let's--what I will do is I'll give you this example, let's say that your mom and dad had a lot there and they've had it since 1937.

MS. IRIZARRY: I'm going to stop you. Are we going to do constitutionality 101 because I'm familiar with it.

MR. PETRO: You want to built a house there and you come to us and say well, I don't know because we don't want you using the water that's already being used in the wells. I mean, I know what you would do, same as anybody else, you would sue the town, you would win instantly. There's no defense. You have every right to the grouped water as anybody else. So we have gone, I'm here 11 years, this topic has come up probably 200 times and there's nothing I can do about that. They have every right to drill a well as much as you do. I was in your defense at the curtain drains and the drainage cause that's something that we can do and work with and now it's going to be engineered, it's going to be built or bonded, it has to be built, but the wells--next subject.

MS. IRIZARRY: Bonded, what issue do we have regarding bonding to protect us? I don't want to end up like these people. Let me, this is my concern, can I give

you this? This is my concern, I don't want to end up like the Town of Montgomery, I don't want the rest of the New Windsor residents to have to pay higher taxes to cover the damage that this gentleman may do.

MR. PETRO: Explain how we do the site plan bond.

MR. EDSALL: Well--

MR. BABCOCK: This is a town road, Jim.

MR. EDSALL: As with any municipality, any public improvements are bonded and before he would be able to have the plan filed, he would have to post that bond and we would then have a guarantee that the work would be completed and there are inspections done of the work while it's being installed and before he can dedicate the road, it would all have to be complete and accepted so there are protections.

MR. PETRO: There has been times in the past and I would say not since we have been working together where a bond amount has not been high enough and then you have a real problem. But Mark has been doing an outstanding job and he has a couple formulas that you go by to tell us what the bonding amount is, I don't think we've had any problems since Mark's been on board.

MR. EDSALL: There's a lot of municipalities that don't necessarily enforce the quality of work, we have had thousands of feet of road torn out if it was done wrong so--

MS. IRIZARRY: I'm happy to hear that.

MR. EDSALL: We show no mercy, as it may be, we want it done right because you're protecting the town.

MR. PETRO: New highway superintendent, Mr. Kroll, Henry.

MS. IRIZARRY: He told me Cole.

MR. PETRO: Kroll, K-R-O-L-L, he's pretty strict,

fairly strict, in other words, it's got to be done the right way, not over and beyond, but done the right way.

MS. IRIZARRY: Pollution, what do we do to protect ourselves against this pollution, how do we make sure he cleans up after himself and we don't end with up with pollution buried in the back yard?

MR. PETRO: Tree stumps?

MS. IRIZARRY: Building debris, yes, how do we protect ourselves from that?

MR. PETRO: You wouldn't do that, would you?

MS. IRIZARRY: There's 9 articles of how it was done.

MR. LANDER: The building inspector, their office has to go and all they do is inspect for framing, footings, you know, the foundations as far as policing whether he buries stuff on the property, I don't know if that's entirely possible.

MS. IRIZARRY: I'm not asking for policing, but if it's discovered, what recourse do we have?

MR. LANDER: He'll have to dig it out, as long as there's something there to dig out.

MS. IRIZARRY: How about if it's existing on this point on current properties that he's built such as mine?

MR. LANDER: What agency would they contact, DEC?

MR. BABCOCK: Depends on what's buried, as far as stumps, you're allowed to bury the stumps on your property, I mean--

MS. IRIZARRY: I'm not speaking of stumps, I'm speaking of construction debris, sheetrock, tile, roof tile.

MR. BABCOCK: I would assume DEC.

MR. LANDER: If you even suspect that construction debris is buried on your property--

MS. IRIZARRY: I don't have to suspect it, I can see it.

MR. LANDER: You can see it underneath the deck, but as far as him that's really not being buried, it wasn't really concealed underneath your deck.

MS. IRIZARRY: It's just unearthing itself, it was buried.

MR. LANDER: Call DEC, they'll take matters into their own hands.

MS. IRIZARRY: And I have just one real quick question. At our last meeting, the board made it very clear that Mr. Biagini had to be here personally in order to conduct the next public meeting. He's not here and we're having the meeting and that's my question.

MR. PETRO: Rob Biagini is here.

MS. IRIZARRY: Is he in charge?

MR. R. BIAGINI: Vice president of Highview Estates.

MR. IRIZARRY: I just want to say something, we don't have a problem against him building there, we just want to know that when it's done, it's done properly. He owns his property here, if he wants to build houses on it, fine, God bless him, he has equity to do it, but we just want it done right. I don't want him to think that I have any animosity towards him that's going to be any type of, we just want it done right because prior history has it like she gave you all the information that it wasn't done right. I don't know the man, whatever he did before happened before. We just want to know that from this step forward everything's going to be done right and that it's on the record that it will be done correct and that it's just not set and washed under the rug cause it seems that that's what happens in these other places. I'm not saying that happens here, but Montgomery, all the other places they have a bad history, I just want to know that my investment stays an investment and that it



doesn't turn sour and I have to take a loss or break even. I came here to retire, I didn't come here just to live and then leave. This is where I'm going to retire at, I just want to know that it's going to be done correct.

MR. PETRO: If we say that curtain drains are going to be designed and put on the map, you can be assured that's going to happen.

MR. IRIZARRY: You already told me now with the wells you already have a history with that, I'm not even going to go in that but with the curtain drains, this is a big issue because the road as it is now when it rains, you have a huge puddle that goes in the water that comes, stays wet, even now with the drought, I walk back there now, all the garbage, the stumps, everything else, there's some garbage piled along the back, I used to be able to walk straight through, even when you go there, it's still wet, even with the drought and everything that we've had to the percolation rate, they always insist that it's fine but--

MR. PETRO: This is a good opportunity, being that they're coming back in to build to get some of these problems straightened out, it's the purpose of the public hearing, you brought it forward, we don't have to go back and see what's on the old plan, I don't care, we're going to take care of it now, but it will be done.

MR. IRIZARRY: Just for the record, that's how we feel about it.

MR. HIRSH: Hi, my name is Marty Hirsh. I live at 263 Toleman Road. And my concerns are a few concerns about the project, my first concern is that the dirt and the dirt on Toleman Road for the most part in that area is pretty much clay, am I correct, would you say a lot of clay up there?

MR. YANOSH: There's some spots.

MR. HIRSH: And there's raw sewage on Toleman Road by

Toleman Estates and if you pass there, you can smell it and you can see it. My concern is with any septic and I'm below where they're building any septic on any of the leach fields, how do we know that they'll absorb the additional leach fields will absorb?

MR. PETRO: They have to do a perc, tell us about the percs that you did.

MR. YANOSH: They varied between 7 minute percs and 34 minute percs, total of two on each lot.

MR. PETRO: What does it mean, tell him what it means.

MR. YANOSH: Perc tests can range between a minute and 60 minutes, okay.

MR. PETRO: They put water in the hole.

MR. YANOSH: If it goes over 60 minutes, explain how perc test is done?

MR. HIRSH: Exactly.

MR. YANOSH: I'm sorry, you have to dig a hole 24 to 30 inches deep, all right, fill the hole up from the bottom up six inches and time it so the water drops an inch six to five inches, you fill it up again to the six inch level and you time it again down to the 5 and do that repeatedly until the time levels off, you should pre-soak it 24 hours in advance, there's a whole thing to go through but that's how you do the perc test.

MR. HIRSH: So then I'm assuming that there was a perc test done?

MR. YANOSH: Yes.

MR. HIRSH: Why is there raw sewage?

MR. YANOSH: Which ones, Toleman Estates?

MR. HIRSH: It's a concern because if the ground is very much the same, the composite of the ground is the

same, it's pretty safe to assume clay doesn't absorb very well and those of us who live below where these homes are going in have a legitimate concern about sewage.

MR. LANDER: Somebody's septic field must be failing, right, that's where the sewage has to come from somewhere.

MR. HIRSH: Who checks on that? That's the town?

MR. LANDER: Well, Orange County Health, the building department could probably check it, but Orange County Health.

MR. PETRO: I would start with the building department here, from there, if it's a major problem, then I think get the DEC involved, correct?

MR. BABCOCK: Actually, Health Department.

MR. LANDER: Because sewage is coming from someplace, somebody's fields are failing.

MR. PETRO: Could have a crushed pipe somewhere, obviously.

MR. HIRSH: Okay and my second--

MR. LANDER: There's clay in the area, I looked at the, there's clay, there's silt, there's different types.

MR. PETRO: Keep in mind leach fields as they are designed have to be a separation between the wells and the leach field, what is it, 200 feet?

MR. EDSALL: 200 foot when the well is downgrade.

MR. PETRO: That's monitored and it's plotted on the map, that's why you'll see the actual locations, those locations have to be met, you can't--

MR. HIRSH: So you're saying a septic a septic in the new development can't be within 200 feet of an existing well?

MR. PETRO: That's correct.

MR. HIRSH: Anybody else's well?

MR. YANOSH: If it's downhill from that.

MR. BABCOCK: It's 100 feet if it's not.

MR. HIRSH: I have a second concern, my second concern is that there are underground and did you receive the letter from the Minuta's?

MR. PETRO: Yes, I have.

MR. HIRSH: On Minuta's property, there's underground and aboveground springs near where the building lots are going to be, what precautions have you made, where is that water going to go?

MR. PETRO: Have you mapped any springs?

MR. YANOSH: I have walked it and never seen any springs, not on our property, I have never seen any springs.

MR. PETRO: I don't know what to tell you.

MR. HIRSH: It makes sense before any decisions are made that you speak to him because there are a couple of springs up there and they are rerouted because of the development could cause all kind of problems, how do we address the additional waters going into the wetlands across Toleman Road?

MR. PETRO: Well, there would be, depending on the size of the subdivision now, this, you have to understand is a relatively a small subdivision, I don't think it would warrant a downstream testing and/or capacity study being done with the 6 houses, if he did just 4 houses, this would be a minor subdivision.

MR. HIRSH: So the wetlands are absorbing sewage, is that what happened?

MR. PETRO: No sewage.

MR. HIRSH: When I say sewage, I'm talking about the overflow of water, storm sewage.

MR. PETRO: Well, seems to me that the water's already going in the direction, is that correct, the amount of the impervious area that he's creating would be the driveways, the road and the roof tops, so if you calculated that out and added that which is not going straight down into the ground, I think would be small.

MR. HIRSH: Would it go under?

MR. PETRO: Yes, under Toleman Road.

MR. HIRSH: Then the only other thing I can say that I have heard the concerns of my neighbors, I have read all the newspaper clippings, not all of them, but I have read several of the newspaper clippings about the fact that this particular builder, nothing personal, but just seems that you folks, your brother, okay, seems like his brother disregards the codes, and I'm, my opinion actually, I'm sorry, I shouldn't express my opinion, I'm quoting from some of the newspaper articles that he has blatantly disregarded many of the codes in all of the towns where he's built. My neighbors and I are concerned that he will continue to do so so what's going to stop him?

MR. PETRO: I know what you're saying, we have a very, very efficient team as far as I'm concerned in this town and the building department, Mark Edsall and the highway superintendent, I don't know what they do in other towns, but over here, you really need to tow the line or you've got a problem.

MR. HIRSH: We're talking about the highway superintendent?

MR. PETRO: The building inspector, he's the chief inspector, Mark Edsall's the planning board engineer who actually does on-site inspections along with his team, the highway superintendent, again, Mr. Kroll, there's a whole list of inspections that are done along

the way.

MR. HIRSH: How do we address the commercial traffic from directly from the construction crews? We have trucks currently with flatbed trucks with what do we call that big machine with excavators and bulldozers and stuff at 12 o'clock at night, I'm sorry, and three in the morning parked in front of our homes with the engines revving.

MR. PETRO: There is a town ordinance that's been in effect for about six months and just get a copy of it, somebody came in and got that little map the other day, probably from the Town Clerk, get a copy of the ordinance, I don't remember every detail of it, just enacted about six months ago. Call the police and they'll be there instantly with a summons, you cannot run machinery after, I don't remember the times. Mike?

MR. BABCOCK: I don't remember.

MR. PETRO: I know no Sunday work at all, that I do remember, nothing on Sunday at all. Call the police.

MS. IRIZARRY: We had work on Sundays, we had work at 6 o'clock in the morning, we had work at 8 o'clock at night.

MR. LANDER: Can't leave a machine or motor vehicle, mainly a truck any longer than 15 minutes, otherwise, the DEC can give them a fine. I've seen the fines 700 to a \$1,000 for leaving that vehicle but you have to call the DEC in order for them to come.

MR. HIRSH: From what time during the week are they allowed, do they have to stop bringing trucks in?

MR. PETRO: The way the ordinance reads there's no work you're looking it up, Mark, no work to be done after a certain time, I think it's 7 o'clock, I'm not sure.

MR. HIRSH: Bringing trucks constitute work?

MR. PETRO: If a person drives in with a truck, they can't do physical work, he can't start excavating,

can't use a hammer, can't use a saw and one thing I can remember stands out a hundred percent in my mind, no Sunday work at all. But keep in mind that the police and/or the town will only act if a complaint is filed so in other words, let's say you're going to build a shed by your house, you have a couple neighbors you're going to tell them, if no one calls up or complains, it's not a problem, we don't go around and the police aren't out circling around looking for somebody doing work on Sunday. They act on a complaint only.

MR. HIRSH: If there's a commercial business going on in a residential neighborhood in this town, who do we speak to?

MR. PETRO: Fire inspector and/or the building inspector.

MR. HIRSH: Can we speak after the meeting?

MR. BABCOCK: Tomorrow, yes.

MR. HIRSH: Thank you.

MR. MCPARTLAND: I'm Kevin McPartland, I'm at 255 Toleman Road. On this map, I'm right here right below the Minuta property. When this all first started, I was here originally and I instituted the first curtain drain to be put in between the properties of mine and what's now Maureen, the Haas' property, okay, and here's the original map and on that it shows right there proposed curtain drain.

MR. LANDER: Was it ever installed?

MR. MCPARTLAND: I'd like to know who engineered it and who approved it because what constitutes a curtain drain, how deep is it supposed to be for one, how wide, how deep? Not a clue, I don't have a clue, but this thing was about two feet in the ground and the first good storm came and the thing just washed right out and it's been washed out ever since. So what we have is a big gully that's washed out with a little black four inch pipe in it that absolutely does nothing. And it's also washed out the road which has been repaired a

couple times.

MR. PETRO: Toleman Road?

MR. MCPARTLAND: Toleman Road itself there's a pile of rocks which blocks up the water which backs up in front of my house, so that's an example of the workmanship. And nothing against the town approving it, but it was approved, I mean, obviously cause the houses were right, the houses were built and the people moved in so they have to have a C.O. to move in there but and I did have it looked at once and basically, I don't know if they stated that it was too late and there was not much they do about it but just an example of what should be done and is not done or what's overlooked to get DEC.

MR. PETRO: Make a note, all right, to have that looked at and as a condition of approval that's got to be replaced, I don't care if it's in the subdivision or not if it's doing that.

MR. MCPARTLAND: That's about all I have.

MR. IRIZARRY: I have no problem with what's going on there.

MR. LANDER: But you want it done right.

MR. MCPARTLAND: That's right, I'm not sure, like I said, who engineered it, how deep it's supposed to be but curtain drain there's got to be a certain amount of feet deep, certain amount of stone and it's got to be, I'm sure it's got to be looked at before it's covered over.

MR. LANDER: It should be, yes.

MR. MCPARTLAND: I don't know if that was done.

MR. PETRO: We'll take a look at it and get it on the plan.

MR. MCPARTLAND: Thank you.

MR. YANOSH: We want to see, make sure it was installed



according to what the plan, the developer should not be liable to take care of it, I don't know what the timeframe is, we'll look at it.

MR. LANDER: We have to start someplace and the developer is where we have to start.

MR. PETRO: Anybody else on something we haven't talked about?

MS. HAAS: Maureen Haas and I live at 249 Toleman Road. Road, I purchased a house from Mr. Biagini, a couple questions I have. First is you mentioned something about the road waiver, what was that about prior in the beginning of the meeting something about--

MR. LANDER: Sidewalks, they're seeking a waiver for not putting sidewalks in.

MS. HAAS: They don't want to put sidewalks on the proposed town road?

MR. LANDER: Yes.

MS. HAAS: I didn't understand that and you have to forgive us, we're all first time homeowners, we're not familiar with this. Now, will that road right now be wide enough for two cars if they're coming up and down?

MR. YANOSH: Yes.

MS. HAAS: Now, of course, the drainage, that's my map and I do need it back.

MR. PETRO: Take it now so you don't lose it.

MS. HAAS: Mr. McPartland brought up one issue with the curtain drain that was never done, I spoke to the board and you about it last meeting, I mentioned at the last meeting that a 3 year old could have done what he proposed that he did, he just dug a trench, dropped a black pipe in it and that was it. So I hope the board is going to address that. You're more than welcome, this is something else I wanted to bring up, I'd like Mr. Yanosh and some board members, Mike, you too, and

maybe Mr. Biagini if he can show up, no, your brother, if he can show up.

MR. BIAGINI: He has nothing to do with this project.

MS. HAAS: He was the original builder, we can all walk you around cause you're all looking at maps, we cannot read the maps as well as you all can and it's easier for us to show you what's actually--

MR. PETRO: Remind everybody here, I know you don't like to hear this, I have to remind everybody all the time that this application and reason we're here is for the six new houses, I realize you all have problems, happens to be the same name of the builder, even though it's a different brother and we have to limit ourselves, we're going to look at that curtain drain, we're going to do certain things that do affect the other houses that are already there, but that's not the application that's before the board. That's approved and it's done, I don't want to be insensitive to the problems there. We're going to look at as much as we can, but I can't reopen that whole, we don't want, I can't walk through every development in the town and have a checklist and I'd have a book of all the problems, singles are blowing off and all kinds of non planning board issues, so we have to limit ourselves to what we can do. I mean, the curtain drain from Mr. McPartland, to me, that really seems important because that water just would come down to all the houses and it's probably really an easy fix for Mr. Biagini, probably could be a day and he's be all done. It's a major problem and it's something tangible that I can look at and say we can fix it. Too many cars on the road is not something that I can sit here and fix.

MS. HAAS: I'm talking about--

MR. PETRO: I'm giving you examples so I'd like to have something we can, if I can fix it, we do. I don't want to go walk through the development and come up with stuff, shingles sticking out of the ground, we have to stay with planning board issues on this application.

MS. HAAS: Right, I'd like you all to come back, walk

back there with us and see what we're talking about, see the drainage problems, see the seepage from coming up from the ground, even though we're in a drought level that's what I'm talking about, you'll come back there and take a look back there where he wants to build. So also another concern is I have two small children and previously, I've had problems with Mr. Biagini and safety of my children around his workers, my concern is when he's building this road, what kind of barriers are going to be put up because that's my back yard and my side yard and I'm concerned about the safety and the truck drivers or the construction workers that are going to be coming through there. I don't know if you want to address that.

MR. BIAGINI: We can put temporary fencing up, if you feel, along your property line between the road and your property.

MS. IRIZARRY: I've asked for that as well because I'm the opposite side of the road.

MR. PETRO: This is Bob Biagini, it's a different brother, I'm not saying one's better or worse than the other. I don't want to get involved with that, but might be in everybody's best interest to try and get along with it, he's going to be building it, not the brother that didn't do what you say he was supposed to do on your subdivision so maybe things will be somewhat different.

MS. HAAS: Okay and what type of houses are they building, are they two story colonials, bi-levels, ranches?

MR. YANOSH: You're right, who knows.

MS. HAAS: And the price ranges on that?

MR. BIAGINI: 269 and up.

MS. HAAS: When were the perc tests done that you spoke of earlier?

MR. YANOSH: October, November of all the ones we're

talking August of '99, August of 2001, August, '99, August, 2001.

MS. HAAS: And does that still stand, is that still a good timeframe because we're in 2002 for the perc tests?

MR. EDSALL: Yeah, I'm not aware of any time deadline for the installation. Normally, the guidelines that are used is some field condition has changed that would affect the perc and I'm not aware of any.

MR. PETRO: Normally, field conditions don't change because it's just barren land what would really change to affect unless there was a major subdivision elsewhere and some water runoff went there usually it's testing the ability of the ground three feet down to absorb the water at that one inch rate he was talking about before, somebody put up a shed or did something that's not going to really affect that.

MS. HAAS: Like I said, we're not very educated in this.

MR. PETRO: We don't have a guideline that says it has to be done every six months, no.

MS. HAAS: As far as all these curtain drains that you are proposing to put in possibly would the town come out and approve it because I have been told that when something like this is done and the proposed curtain drain was put in that it was signed off by Mr. Yanosh as if it was done if I'm not mistaken.

MR. PETRO: It's there but just not to the right, it didn't work, and it's not built properly, it's not like nothing was done.

MS. HAAS: Who signed off on this, Mr. Yanosh did, right, if I'm not mistaken?

MR. YANOSH: No, not on a curtain drain like that.

MS. HAAS: Who signed off on this?

MR. PETRO: You're talking about the applicant's engineer or designer. Who did the original map?

MR. YANOSH: I prepared the original map.

MR. PETRO: It was to be installed and it's on the map and he designed it. You're saying who actually witnessed the installation?

MR. LANDER: He didn't design it.

MR. YANOSH: We laid it out.

MR. PETRO: Location only.

MR. YANOSH: And what it was supposed to look like, we weren't involved.

MS. HAAS: So the town would look and say okay, that's done, okay, and they'll sign on it?

MR. PETRO: Evidently, yes.

MS. HAAS: Then Mr. Biagini, you give us your phone number so we can contact you?

MR. PETRO: Who would look at the curtain drains?

MR. BIAGINI: (914)447-0025.

MR. EDSALL: If a curtain drain is part of a sanitary system that's reviewed by the same engineer who would be certifying that the system was completed in accordance with the design.

MR. YANOSH: This one here does not have to do with the septic, just runoff from the hill.

MR. EDSALL: If it was just a curtain drain being put in for redirecting the drainage, I don't know that anyone would inspect it.

MR. PETRO: We're going to, when they're done, I'm going to go out with the engineer.

MR. EDSALL: If it's part of a filed plan, we're going to treat it differently, I'm talking about before, I don't know who did it.

MR. LANDER: Mr. Yanosh, was it an afterthought to put the curtain drain it or was it on the plan?

MR. YANOSH: That was on the plan, originally that was one of the comments from the public hearing from back in '95.

MS. HAAS: Also as Mrs. Irizarry said, the curtain drain was not put in and I have had several septic companies come and give me estimates and tell me that they weren't put in so if you need that.

MR. PETRO: Which ones?

MS. HAAS: Around my septic, I don't have that either.

MS. IRIZARRY: That's also true of the house that's to the right of me.

MR. PETRO: I know I'm repeating myself that you, maybe you have to put in a curtain drain around your septic tank, we're going to take a look, do what we can, we're talking about a subdivision that's passed, it's done and we're really not talking about what we should be talking about here is this subdivision, but I find it's interesting and we're going to do as much as we can to correct some of the problems, especially, I think the one big one along the property line, but I don't know how long you have been in your house but some things you may have to take upon yourself, I don't know.

MS. HAAS: I have already tried to contact Mr. Biagini when this all first started on several issues and I faxed him, I faxed his lawyer, my lawyer faxed him, after there was an incident with my younger son getting injured, Mr. Biagini cut all ties with us, so I have contacted him, he's never called me. His lawyer's never called me, we're in the house six years.

MR. PETRO: You're going to be there with these machines, can't you go over and take a look at some of

this stuff?

MR. BIAGINI: Again, I have nothing to do with it.

MR. PETRO: Curtain drain in the septic should, you should be in and out of there in three hours.

MR. BIAGINI: But I didn't build their houses.

MR. PETRO: Day or two of good will seems like it would go a long way, get something straightened out.

MR. BIAGINI: No problem.

MR. PETRO: Try that first, we'll see how it goes, we're going to take care of the bigger ones, they're going to be put on the map and we're going to review them.

MS. HAAS: All right, thank you.

MS. MARTINEZ: Yolanda Martinez, 269 Toleman Road, my property is right over here. Now I moved in approximately three years ago and I know what a homeowner is all about, it's not homeowner and the first three months that I moved in I had to build a curtain wall and I also had to put replace my septic system on top of that and to this very day I'm still paying for the home loans. The problem has been corrected and also is there in the event that these systems failed does the developer or Mr. Biagini, I'm sorry I can't pronounce, guarantee in bonds that in the event that does fail are they going to replace our septic systems, our well and what type of unit is going to be used when they start building up?

MR. PETRO: What kind of unit for what, ma'am?

MS. MARTINEZ: For the septic system.

MR. YANOSH: She had to put an aerobic system in.

MR. PETRO: You're not using those, these are just a regular system?

MR. YANOSH: She's saying her system failed now they're getting replaced and she had to put a different type of system in. Her question I guess is any type of guarantee that our septic is not going to affect her property and spoil her property too, that's what she's asking. Right?

MS. MARTINEZ: Yes.

MR. YANOSH: Septics and--

MS. MARTINEZ: What type of unit are you going to use?

MR. PETRO: Septic system.

MS. MARTINEZ: I had a standard septic down the road, I had to put in an aerobic unit, an aerobic unit, now standard septic systems is not going to work, if you put up a colonial ranch, it's just not going to work.

MR. PETRO: I would suggest being that you have so many other people here with problems with septs really look at the perc, make sure that you have enough footage and you're using the right kind of system. I can't answer your question directly how you're going to guarantee that it's going to work or not work, I don't know, it should work according to the engineer's saying that that system is designed for that perc test and that soil and it should work, but I would suggest Mark--

MR. EDSALL: Just in answer to one of the questions about the timing of the testing of the soils, one of the perc tests seems to be I think unreasonably old, would be evaluation of lot 1, I would think that Mr. Cascino could look at that again, that looks to be back from 1993.

MR. YANOSH: That was when we did the first subdivision he did that.

MR. EDSALL: It should be made more current, but the ones in the last couple years should be okay.

MR. PETRO: Are you getting all the notes, Dan?



MR. YANOSH: Yes.

MR. HIRSH: Do we get a copy if he wants any exclusions, waiver to the SEQRA, if he makes, if he wants any variances, I think it's called the SEQRA, State Environmental Quality Review?

MR. EDSALL: Yeah, there is no such thing as any waiver to it, the board will review all the information before they can make a determination under SEQRA but--

MR. LANDER: Are you talking about the waiver he might be looking for to eliminate the sidewalks?

MR. HIRSH: Anything that would affect any of the issues we discussed here with respect to environment.

MR. LANDER: He can't get a waiver for any of that.

MR. PETRO: He's going to have to meet everything, there's no waivers. Okay, any other subject? Motion to close the public hearing.

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Highview Estates subdivision on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We're going to reopen this application to the board for further comment.

MR. LANDER: I don't think we need to look at it any

further until we take a site visit, Mr. Chairman, and also it took a year to get rid of the garbage and the last time and I asked the question why did it take a year to get rid of the debris and that's what I got, there was no response to that. You're going to have to be a little quicker.

MR. YANOSH: Well, we're cleaned up now, a lot of the stuff across the street was not from the developer, it was just people dumping.

MR. LANDER: Take precautions to make sure that doesn't happen.

MR. PETRO: What we're going to do is schedule a site visit, this board is going to go out to the site and look, if you'd like, if some representative would like to be there, I'm not opposed to that, I don't want 35 people walking around with us and, you know, making my head spin, but anyway what we're going to do--

MS. IRIZARRY: I'll give you my work number, (845) 623-0090 and the evening number is 496-3412.

MR. LANDER: Also we're going to ask that a letter from Jean and Vincent Minuta be entered into the record, we're not going to read the whole thing because it's quite extensive, but it covers all the subjects that we went over tonight.

MR. PETRO: Design the curtain drains and you'll be notified for the site visit so you can come with us and I want to look at the one along the property line too.

MR. EDSALL: One more thing, Mr. Chairman, we can add to Dan's list, there seems to be kind of a gap in the topo on the plan covering lots 1 and 2, for us to finish the evaluation, some of the drainage concerns I'd want to have that filled in so the topo's complete.

MR. PETRO: Take a copy of Mark's comments. Do you have that?

MR. YANOSH: Yes.

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MR. PETRO: I want to thank everybody too, very orderly and you were very polite.

REGULAR ITEMS

WASHINGTONVILLE SOCCER CLUB SITE PLAN AMENDMENT (02-02)

Mr. Lanc appeared before the board for this proposal.

MR. PETRO: This application proposes modifications to the roadway layout on the site, additional parking and some related provisions. We took lead agency at the January meeting and I just want to put in for the minutes that we did do a site visit which would be we being myself, Henry Kroll, the highway superintendent, the applicant's engineer and Mark Edsall from the planning board engineer.

MR. LANDER: What was--

MR. PETRO: We found everything to be in very good order, there were some suggestions made about some signage which we have a letter from here from Mr. Kroll which I will read into the minutes in a little while. We're going to add the signage but everything else seemed to be in very good order, such as the sight distance, he met with one of the neighbors, he owned the apple farms across the street, Mr. Miner also was there, had no opposition at that time, he thought everything was--let me read this into the minutes before you make your application. Dear Mr. Petro: This is from the highway superintendent, Mr. Kroll. "After reinspection of the site, this was a second visit of the site at the Washingtonville Soccer Club, it is confirmed the sight distance that was required has been met by the applicant's plans. And I want to just note that not only met it, far exceeded what's required by law. I have also decided to add a 40 mile per hour sign and slow, we love our children and slow signs, I have never received any traffic complaints in this area but have requested increased monitoring of the area by the New Windsor Police Department. Mr. Petro, this plan meets our requirements so I again approve this project and he says so I again approve it."

MR. EDSALL: Might be beneficial just so the record's complete so there's no open issue, last meeting on

sight distance I had requested that Mr. Lanc submit an evaluation of the sight distance with a letter dated March 5, he submitted a plan showing both the as measured sight distances and the recommended sight distances for different movements and effectively, the left turn movement coming into the proposed entrance the required is 407 feet the provided as measured by Mr. Lanc's office was 878 and similarly, stopping sight distance which would be the required sight distance for vehicle to stop for a car that's waiting to turn left into the proposed entrance, the required was between 275 and 325 recommended and the available sight distance was 612 so that just documents what we saw in the field, which is that they are substantially over the required or recommended numbers.

MR. PETRO: Thank you.

MR. LANC: If I could add some people in the public mentioned that they themselves drive over the speed limit like 50, 55, the distances that are available are good for speed of 55 miles per hour or more than that for wet pavement, so I believe that even if you have some crazy people going really fast, unless they're drunk, they should be able to see and stop.

MR. LANDER: Yes.

MR. PETRO: That's how Myra drives but other than that.

MR. LANC: For those members of the planning board who went to the site, I have a couple pictures, this is the site from driver's eye when he's trying to make a left turn, so you can see passed the next hill and the car does not disappear, the car that's coming towards you will not disappear in the dip. And the second picture is the sight from the car approaching from Beattie Road, you have a distance of about 612 feet to see the car that's stopped trying to make the left turn.

MR. KARNAVEZOS: The drive was right here?

MR. LANC: The proposed driveway is right there.

MR. PETRO: Has there been any changes to the plan

since last we have seen it?

MR. LANC: No changes.

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant negative dec for the SEQRA process. Is there any discussion? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: When we go to a final approval which I think we're going to do in about two seconds, we have to close out the old subdivision application, that needs to be taken care of, it's already here and you have to submit a site plan estimate per code, Chapter 19 of the Town Code, and you have to pay all the fees. Do any of the board members have anything else on the plan proper that we have not gone over? I'll entertain a motion for final approval.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Washingtonville Soccer Club Site Plan Amendment. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
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MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

BLOOMING GROVE EQUIPMENT SITE PLAN (01-61)

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: This application proposes a 7,500 square foot office building on an existing lot. I have never seen a non-existing lot. I'm glad you put that in there.

MR. EDSALL: That's the one that goes with the subdivision that's proposed.

MR. PETRO: Plan was previously reviewed at the 14 November, 2001, 27 February, 2002 planning board meetings.

MR. LANDER: First question what did we do with the air conditioning units?

MR. COPPOLA: On SP2, we located them, they're on the sides, there will be none in the rear, still with the option to put them on either or both sides. That was one of the items that came out of the public hearing. The other item was the drainage, we have now changed this drainage so that it's tied into the town's storm drainage system on the corner of St. Anne Drive, we have a 15 inch pipe that connects into that catch basin.

MR. LANDER: You're going to install a new catch basin?

MR. COPPOLA: Yes, there's a new one at the intersection, there's several I think 4 total and 2 on the property. It's all 15 inch pipe, we worked that out with Mark at the last workshop and there's a fair amount of capacity within that system too before it gets to St. Anne Drive so I don't think it will make an impact to the neighbor there. That was a major change. The condenser we made a change on the sign detail and I think it was a change on the bulk table.

MR. LANDER: Fencing goes along the property line of Horan and Frost?



MR. COPPOLA: Yeah, the cedar fence that's all the way down.

MR. PETRO: Fire approval 2/19/02 and highway approval on 3/12.

MR. EDSALL: He did have subject to installation of underground storm drain to catch basin on St. Anne.

MR. PETRO: All right, motion for negative dec.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Oakwood Terrace office building site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Previous comments have been addressed, I like when we see that. Mark?

MR. EDSALL: I hate to disappoint Tony.

MR. COPPOLA: I appreciate that statement.

MR. PETRO: I never see that on one of Greg Shaw's plans. Require individual bond estimates be submitted for the site plan in accordance with Chapter 19 of the Town Code. Anything else? We've seen this enough times, gentlemen.

MR. LANDER: Motion to approve.

MR. KARNAVEZOS: Second it.

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MR. PETRO: Anthony's done the job that we've asked, I think it's in good shape. Remember to work with your neighbors with the trees, try not to cut them down.

MR. COPPOLA: We will.

MR. PETRO: Motion has been made and seconded that the the New Windsor Planning Board grant final approval for the Oakwood Terrace office building.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

ADC WINDSOR, INC. SUBDIVISION (01-45)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: This application involves the subdivision of the 142 plus acre parcel into 49 single family residential lots. The plan was previously reviewed at the 27 June 2001 planning board meeting. This was up to Dutchman, is that right?

MR. SHAW: Right.

MR. PETRO: That we decided not to go through to.

MR. SHAW: Correct. Very briefly, Mr. Chairman, as you mentioned, we were previously before this board for a concept plan subdividing this 142 acre parcel into 49 lots and we'd be serviced by individual wells and subsurface sewage disposal systems. As you can see, 49 lots over 142 acres leaves quite a bit of room around each unit and we think we have come up with a very nice layout which has kept the lots in the upper areas of the site with the wetlands on each side of the property undisturbed. What we have submitted to you in this design package is basically a substantial effort towards moving towards preliminary subdivision approval. We presented the road profiles, we presented the grading plans, not only of the roads but of each and every lot, the location of the wells and septic systems, the design of the storm water collection system and also the location of the water quality storm water detention basin. With that, I think there's that one outstanding issue that I, that I'd just like to reaffirm with this board is the fact of the last time I was here, the board's preference was not to connect to Dutchman's Drive. With that, what we have shown is just a dead-end cul-de-sac designated as Road B in that proximity, if you look at the plan, you see on the lot that's labeled now or formerly lands of Hudson Highland builders, that's part of the cul-de-sac at the top of the plans, just to give you an idea of where Dutchman's Drive is.

MR. PETRO: I don't think we have to deliberate this

point. Everybody liked this kind of layout better. I had talked to everybody on the board, I talked to the Town Board and everybody thought this would be better not to go up and connect into that Dutchman Drive plus with the double road access I just think it made sense. Greg, I also want for the minutes put it in the minutes that this application if you notice some of the lots north, the 80,000 feet, but we had reviewed this in July of last year before June of last year before the new zoning laws had gone into effect which was October 3 so that's why you're grandfathered in, that's why we're reviewing this sized lots.

MR. SHAW: Correct.

MR. PETRO: What else other than the road, Greg?

MR. SHAW: I think that's it, I think what we have to do tonight is circulate for lead agency, I don't believe that was ever done, I have submitted a long environmental assessment form with some narratives in the back that can be distributed to the interested agencies or involved agency, I think there may be only one which is the Orange County Department of Health which is going to be doing the realty subdivision approval for the piece.

MR. PETRO: Motion to authorize lead agency letter.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a lead agency coordination letter to be sent out to the involved agencies for the ADC Windsor Inc. major subdivision.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Greg, any way of getting rid of some of the smaller lots?

MR. SHAW: No, not without reducing the lot count.

MR. PETRO: Obviously.

MR. SHAW: From 49 down and again, I understand where you're coming from cause the town has been looking to decrease the density, we have 142 acres with 49 lots, that's well in excess of an average of two acres per lot.

MR. PETRO: All topos work out in the loop road, Road A?

MR. SHAW: Yes, the topo works out very nicely, if you take a look at road profiles, there's a little bit of cut and fill on the boulevard, as you come off Kings Road that's due to keeping out of the buffer area of the DEC wetlands, but once we get passed that, we pretty much follow existing grade the rest of the way, maximum road slope, and it's only in two portions that being the boulevard and this piece by lots 34 and 49 is ten percent, the rest are substantially less than that.

MR. PETRO: Let's talk about storm water first, obviously, you're building a storm water detention basin, is that going to collect the entire site?

MR. SHAW: It's going to collect the entire roadway system, other than the boulevard, if I could just point you to this drawing, this entire road system will drain to the water quality storm water basin and those which are tributary to the road portions of the land is here, fall in this direction, obviously, the storm water will not be draining to the road, but that's pretty much land that's going to remain undisturbed. Same thing over in this area, land that's undisturbed is going to fall into the large wetlands area in this portion.

MR. PETRO: I'd like to see the curtain drain around the perimeter of the property.

MR. SHAW: Does it have to be inspected?

MR. PETRO: Well, it needs a four inch pipe in it.

MR. SHAW: With respect to the drainage that's not going to the basin, if you look at the utility plan, you'll see that we have a road collection system on the roadway which is going to pick up the storm water to approximately this location, then it's going to get piped to this corner of the site where you have a large vast relatively flat area where the peak impact will dissipate as it moves in this direction to the south before it leaves our site. So for the most part, the majority of the storm water is going to be controlled. The only portion that's not going to be controlled is that portion of Road A, which is below where our last catch basins are which are going to drain down to Kings Road and that water will continue to flow in that direction, everything else though will be directed either to the basin or to the large wetlands area in the westerly portion of the property.

MR. PETRO: You don't have any setback issues, Greg, I see lot number one there the house is close to the property line, I see your scale is one inch for a hundred feet, so what's that about 50 foot here?

MR. SHAW: Correct, if you go to another drawing, James, you'll see right here the setback lines there's the house and there's the setbacks.

MR. PETRO: You have already plotted all the septic and all the wells?

MR. SHAW: Yes.

MR. PETRO: You have all the right separations?

MR. SHAW: Yes.

MR. PETRO: Mark, you're going to review all that anyway, right?

MR. EDSALL: Actually, this one goes to the health department, so they'll be doing a joint field inspection as well as the plan review.

MR. SHAW: As Mark pointed out, there will be a joint site inspection with the health department where they'll come out and spot check the septics. One other requirement which the health department has is before we give approval, there's going to have to be some test wells dug on the site, we're going to require 5 for this number of lots so 5 wells, they'll decide where and they'll have to undergo a pump test and have the water analyzed for potability before they'll grant the realty subdivision approval. That's just another check.

MR. PETRO: No buildings in the hundred foot buffer zone?

MR. SHAW: No, none whatsoever.

MR. PETRO: You're going to have signage out front?

MR. SHAW: Yeah, I would think that once we get preliminary and start finalizing things there will be some type of signage out there.

MR. PETRO: Mike, signage is going to have to meet the OLI specs, is it any different, I don't know if it's any different, see it out front there, you got to remember that the zone is a different zone in the front of the project.

MR. BABCOCK: What signage, temporary construction signs?

MR. PETRO: No, they put a permanent sign.

MR. LANDER: Like Butterhill Estates.

MR. PETRO: I'm just bringing it up. Where's the storm water detention basin empty into?

MR. SHAW: What you have, I'm guessing now, maybe 100, 150 feet from the property in this direction, you have a large swath of DEC wetlands so it drains into the wetlands over in this area. And what happens is right now the water naturally flows in this direction and

circulating for lead agency, I think we're in the position unless your consultant disagrees with me of possibly scheduling a public hearing and I would ask the board to consider scheduling the public hearing realizing full well we cannot have it until after 30 days expire and you take on the lead agency status but to wait 30 days, come back to this board then ask you to set the public hearing then burn another 30, 45 days. Time is just too precious, so I would ask that you would set the public hearing and I work out the details with Myra once the 30 days has expired where you could assume lead agency.

MR. PETRO: What are you going to do about sidewalks?

MR. SHAW: We're going to ask the town for a waiver on the sidewalks, the Town Board, if they do not grant us the waiver, we have to put them in.

MR. LANDER: How about street trees?

MR. SHAW: I don't know if that's required in your subdivision regulations.

MR. LANDER: I think it is.

MR. SHAW: If it is, then we're going to have to comply. We have to work out with the highway superintendent unless the Town Board wants to waive that. I tend to doubt if they will.

MR. LANDER: We're going to look for sidewalks someplace on one side anyway.

MR. PETRO: That would be our recommendation, they can still go to the Town Board and get it waived from the Town Board.

MR. LANDER: On the trees, on the lighting, on the roads?

MR. PETRO: The houses, you don't really have to build them, just tell people to go squat there, give you 269 and just sit around. Motion to schedule a public hearing?



MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the ADC major subdivision on Kings Road once the 30 days has expired for the coordination letter that's been authorized tonight to be also mailed out, they don't have to come back once that's done, they can go right to public hearing. Is there any further comments?

MR. KARNAVEZOS: I have one, in a subdivision of this size being that there's going to be children and stuff and this probably doesn't have to do with the planning board, I have always wanted to know this for major subdivisions, do the buses go up here or buses sit down at the bottom like they do at Continental Manor, different places?

MR. LANDER: If it's a town road, they can go up, am I right?

MR. BABCOCK: Yes, typically, if it's a town road, if it's a town road, they definitely will go there, same thing as the mailman on a private road, there's another issue.

MR. SHAW: But to give an example, I would think the buses would come up, they'd make a stop at this intersection, I don't think they'd go up Road B if it's a short walk, they'd have them walk down to that intersection point and then pick them up.

MR. KARNAVEZOS: The only reason I brought it up I have seen some subdivisions where you'll have 10, 15 cars parked along the side on the grass of the neighbor's house, you know, because everybody's waiting for the kids to get off the school bus, that was the only concern I had. If you're going to start this and you're going to have 10, 15 cars, 20 cars but the bus will go up there. Thanks.

it's sheet overland flow and maybe one spot it's concentrated but for the most part, it's a uniform distribution. What we're proposing is to put in a detention basin, come out of the detention basin with 200 feet of level spreader which is a vehicle that you now take this water which is coming out of a pipe, spread it over a vehicle that's the 200 feet long, it's a paved swale with a curb on the end of it 200 feet long so water builds up in a swale and trickles over the curb line and tries to emulate the sheet flow which is presently flowing on the site today, we have used that.

MR. PETRO: Who cleans all the leaves out of it, Town of New Windsor?

MR. SHAW: That's going to be on a parcel which is going to be dedicated to the Town of New Windsor.

MR. PETRO: Outflow is going to be Town of New Windsor, that's part of our, we take care of it?

MR. EDSALL: The way the Town Board adopted the regulations, the entire parcel is dedicated to the town and it becomes part of a district and this district would pay for the maintenance.

MR. LANDER: How far away is the DeVrie's (phonetic) residence.

MR. SHAW: I don't know right now.

MR. LANDER: Do you know at that point is his residence uphill from this wetlands?

MR. SHAW: I hope so.

MR. LANDER: Well, I shouldn't assume anything after what I've seen tonight but all right.

MR. PETRO: All right, anything else, Greg, that you need to do tonight?

MR. SHAW: I would have one request of the board and only one, again, I recognize the fact that you're

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MR. PETRO: Motion to authorize the public hearing and no further comment other than that, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

CORRESPONDENCE

RPA ASSOCIATES, LLC SUBDIVISION (01-17)

MR. PETRO: "Gentlemen, please consider this letter my client's request for reapproval of the conditional site plan approval granted by your board on January 10, 2001. Thank you in advance for your cooperation in this matter." Shaw Engineering. And the second letter, can we do these at one time Andy or do each one?

MR. EDSALL: Separate applications.

MR. KRIEGER: We want to do them separate.

MR. PETRO: This is for reapproval of the conditional site plan, anybody have an objection to that? Motion for another 180?

MR. EDSALL: No, this is, it would be reapproved, it's good for 180, they'd have the opportunity to ask for two 90 day extensions.

MR. PETRO: 190 or you're going to be working on this so once you get your permit.

MR. SHAW: I'd like to do it for 180, but at the last workshop meeting, my client told both Mark and Mike that he plans on posting the bond and getting stamped plans in May, so I would think a 6 month approval would be sufficient.

MR. PETRO: He can always come back again. Okay, six months, gentlemen.

MR. KARNAVEZOS: Motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant 6 month extension.

MR. EDSALL: Though it's a reapproval, the law says 180 days.

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MR. PETRO: For 180 days. Any further discussion from the board members?

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RPA ASSOCIATES, LLC SITE PLAN (99-19)

MR. PETRO: Please consider this letter my client's request for reapproval of the conditional subdivision approval by your board January 10, 2001. Again, this is the same issue, 180 days?

MR. SHAW: Yes.

MR. PETRO: Motion for 180.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the the New Windsor Planning Board grant reapproval of the conditional subdivision approval granted by your board. Is there any further discussion? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. SHAW: Thank you very much.

MR. PETRO: Motion to adjourn?

MR. BRESNAN: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE

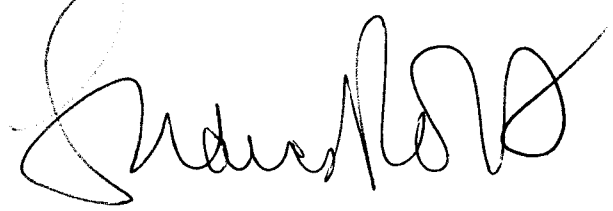
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MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'Frances Roth', with a large, stylized initial 'F' and a long, sweeping horizontal stroke.

Frances Roth  
Stenographer